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Attorneys for Plaintiff Affinity Labs of Texas,
LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

AFFINITY LABS OF TEXAS, LLC,

Plaintiff,

v.

NIKE, INC. AND APPLE INC.,

Defendants.

Case No.: 4:10-cv-05543-CW

**STIPULATION TO CONTINUE CASE
DEADLINES REGARDING
DEFENDANT NIKE, INC. AND
[PROPOSED] ORDER**

Judge: Hon. Claudia Wilken

IT IS HEREBY STIPULATED by and between Plaintiff Affinity Labs of Texas, LLC
("Affinity") and Defendant NIKE, Inc. ("NIKE") as follows:

1 WHEREAS, on August 24, 2011, Affinity and Defendant Apple Inc. ("Apple") filed a
2 stipulation to continue the deadlines for Apple's Patent L.R. 3-3 and Patent L.R. 3-4 disclosures in
3 this litigation because Affinity and Apple have been working to reach a settlement that would
4 include claims against or by Apple in this litigation and Case No. CV 09-4436-CW; (*see* D.E. 136);
5

6 WHEREAS, Affinity and NIKE agree that the Defendants in this litigation, Apple and NIKE,
7 should have the same deadlines for Patent L.R. 3-3 and Patent L.R. 3-4 disclosures;

8 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN AFFINITY
9 AND NIKE, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE
10 APPROVAL OF THE COURT, AS FOLLOWS:

11 1. The date for serving Patent L.R. 3-3 invalidity contentions currently due on August
12 26, 2011 will be continued to September 23, 2011 for NIKE;

13 2. The date for serving documents as required by Patent L.R. 3-4 currently due on
14 August 29, 2011 will be continued to September 26, 2011 for NIKE; and
15

16 3. All other deadlines will remain unchanged.

17 These changes will not affect any other deadlines before the Court.
18

19 Dated: August 25, 2011

RICHARD L. SEABOLT
L. NORWOOD JAMESON
MATTHEW C. GAUDET

22 DUANE MORRIS LLP

23 By: /s/ Matthew C. Gaudet
24 Matthew C. Gaudet

25 Attorneys for Plaintiff AFFINITY LABS OF
26 TEXAS, LLC
27

Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of this document has been obtained from Michael J. Harris.

Dated: August 25, 2011

RICHARD L. SEABOLT
L. NORWOOD JAMESON
MATTHEW C. GAUDET
DUANE MORRIS LLP

By: /s/ Matthew C. Gaudet
Matthew C. Gaudet

Attorneys for Plaintiff AFFINITY LABS OF
TEXAS, LLC

Dated: August 25, 2011

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By: /s/ Michael J. Harris
Michael J. Harris

Attorneys for Defendant NIKE, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: 8/25/2011



Honorable Claudia Wilken
United States District Judge